



Entered on Docket
November 04, 2011

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Sixth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Fiesta Oak Valley Loan**

Hearing Date: October 18, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Sixth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fiesta Oak Valley Loan ("Fiesta Oak Valley Loan") [DE 9074] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 borrower or from the collateral securing the Fiesta Oak Valley Loan; and good cause
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 9074] is sustained; and
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%
6 disallowed to the extent those claims are based upon an investment in the Fiesta Oak
7 Valley Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**
11

12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

15 3993 Howard Hughes Parkway, Ste. 600

16 Las Vegas, Nevada 89169-5996

17 Telephone: (702) 949-8320

18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*
20
21
22
23
24
25
26

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- XXX No party appeared at the hearing or filed an objection to the motion.
- _____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- Counsel appearing: _____
- _____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

#

Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In The Fiesta Oak Valley Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02030	Daniel D Newman Trust DTD 11/1/92	C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336	1,428,037.34	50,000.00	\$40,000.00	\$10,000.00
10725-02334	Davis Family Trust	C/O Joseph Davis & Marion Sharp Co-Trustees 3100 Ashby Ave Las Vegas, NV 89102-1908	1,500,000.00	80,000.00	\$64,000.00	\$16,000.00
10725-00473	Donald E & Jaylyle Redmon Family Trst DTD 10/31/95	Donald E & Jaylyle Redmon Tees 51 Sanlo LN Mountain Home, AR 72653-6333	161,662.50	50,541.67	\$40,433.34	\$10,108.33
10725-02368	Downey, William	3637 Larch Ave Ste 3 South Tahoe, CA 96150	800,328.86	280,000.00	\$224,000.00	\$56,000.00
10725-02364	Eric C Disbrow Md Inc Profit Sharing Plan	Eric C Disbrow Tee 3840 Fairway Dr Cameron Park, CA 95682	895,134.00	50,000.00	\$40,000.00	\$10,000.00
10725-01632	Johnson JT Ten, Charles E & Janet P	17 Front St Palm Coast, FL 32137-1453	Unknown	Unknown	Unknown	Unknown
10725-00503	Joyce, David	7465 Silver King Dr Sparks, NV 89436	125,000.00	75,000.00	\$60,000.00	\$15,000.00
10725-00976	Leonard & Barbara Baker Revocable Trust	C/O Leonard & Barbara Baker Co-Trustees 6106 Ohio Drive Apt. 1410 Plano, TX 75024	140,000.00	50,000.00	\$40,000.00	\$10,000.00
10725-01178	Leonard & Barbara Baker Revocable Trust	C/O Leonard & Barbara Baker Co-Trustees 6106 Ohio Drive Apt. 1410 Plano, TX 75024	140,000.00	Unknown	Unknown	Unknown
10725-00495	Levy, Robert	2115 Bensley St Henderson, NV 89044	200,000.00	50,000.00	\$40,000.00	\$10,000.00